

19. (Amended) A method for digitally recording incidents as recited in claim 16 further [comprises] comprising the [step] steps of:

capturing rear and side view scenes to include [the] activities of [the] an operator of a transportation system;

buffering said rear and side view scenes using said first-in-first-out mechanism to form a plurality of buffered images; and

preserving said buffered images when said triggering step occurs.

Please add the following additional claim:

- -21. A digital incident recording apparatus as recited in claim 1, wherein said preservation of said buffered scenes is achieved by prohibiting older said buffered scenes from being erased and replaced by new captured scenes after a preprogrammed elapsed time period such that said plurality of said visual scenes are comprised of a number of said captured scenes captured a number of seconds before and after said triggering.- -

### REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-2 and 4-21 are currently pending in the instant application. Claims 1-2, and 4, 7, 9-11, 16 and 18-19 have been amended. Claim 3 has been cancelled. Claims 1 and 16 are independent. Claim 21 has been added for the Examiner's consideration. Reconsideration of the present application is earnestly solicited.

### **Abstract of the Disclosure**

The examiner has objected to the Abstract of the Disclosure due to the presence of some minor informalities. Applicant respectfully submits that the Abstract has been properly amended in accordance with the Examiner's requests. Accordingly, Applicant respectfully submits that the Examiner's objections have been obviated and/or rendered moot.

### **Drawings**

The Examiner has objected to the drawings due to the need to provide legends for the block elements of Figure 1. These objections are respectfully traversed. Applicant has filed a Drawing Change Approval Request concurrently herewith adding the names of each element already described by their respective reference numbers. Accordingly, Applicant respectfully submits that the objection to the drawings has been obviated by the foregoing amendments to the drawings.

### **Specification**

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner has cited claims 10, 12, 13, 14, 17 and 18 as lacking antecedent support in the specification. Applicant respectfully submits that the foregoing amendments to the specification specifically address every informality cited by the Examiner. That is, Applicant has added amendments to the specification

that includes only that subject matter presented in the above mentioned claims as requested by the Examiner to more clearly provide adequate antecedent support in the specification. This added material is not new matter since it was set forth in the claims of the original application.

Accordingly, Applicants respectfully submit that all of the Examiner's cited grounds of objection have been obviated and/or rendered moot.

**Claim Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has cited specific informalities requiring amendment by Applicant. Applicant respectfully submits that all of the cited informalities have been overcome by the foregoing amendments to the claims. Accordingly, Applicant respectfully submits that all of the Examiner's rejections have been rendered moot.

**Claim Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner has specifically cited that "the specification does not describe how the digital sensor 50 senses external events so as to trigger the

beginning and termination of capturing process of images and audio.”

Applicant respectfully traverses this rejection.

Applicant respectfully submits that the original written description, including the specification, abstract, claims and drawings in their entirety clearly enable one of ordinary skill in the art to which it pertains the ability to make/and or use the invention (enablement).

For example, Applicant’s original description clearly and thoroughly describes at least two (response limited to these two examples for brevity) examples of how the apparatus of the present invention (including the digital sensor 50) senses external events so as to trigger the beginning and termination of a capturing process of images and video.

First, it is clear from the written description that manual triggering (touch screen, voice activation, or touch button activation or some combination thereof) can be utilized to trigger the beginning and end of a capturing process of images and audio.

Second, it is clear from the written description that triggering (i.e., means for triggering) can be further accomplished by detection of a physical event. For example, as clearly described in the original claims, a physical invent can be “a physical impact, sudden change in momentum, sudden change in force, shock wave, sudden change in sound wave amplitude, and manual activation.” Applicant respectfully submits that it would be clear to anyone of ordinary skill in the related art that numerous sensors capable of achieving any of these forms of detection are widely known and available for this purpose.

Therefore, the visual scene(s) targeted by the apparatus/method of the present invention are constantly being viewed and temporarily stored. The triggering of the storage/preservation of desired visual scenes is accomplished by any manner of means thoroughly described in the original written description (physical forces/impact, audio-visual values exceeding predetermined norms, or even simple manual triggering of the storage/preservation of the desired images).

Further, if the Examiner asserts that the specification lacks enablement due to the lack of a presence of specific examples of these well known available sensor types, Applicant respectfully submits that this requirement would be outside the scope of the present invention. Additionally, the specific examples subsequently required in order to understand, make and/or use the present invention as the Examiner asserts are commonly available in the prior art.

As a further example, although not specifically mentioned in the original written description, but instead omitted as clearly being well within the level of ordinary skill in the prior art, accelerometers utilizing piezo-electric crystals for detecting vibration energy/g-forces have been utilized in the prior art for several decades. Applicant respectfully submits that any ordinary mechanic or one of ordinary skill in the related art would appreciate that these devices could easily accomplish the clearly articulated objects of the present invention.

Applicant respectfully submits that since the present invention is directed toward a method and apparatus of detecting and recording incidents, Applicant's thorough description of the numerous ways of triggering detection

and/or storage of incidents is adequate to enable one of ordinary skill in the art to make and/or use the present invention.

### **Claim Rejection under 35 USC § 101/Double Patenting**

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of the U.S. Patent No. 5,899,956. Without conceding the propriety of the Examiner's assertion that the present invention is not patentably distinct from U.S. Patent No. 5,899,956, Applicant timely files a Terminal Disclaimer concurrently herewith. Accordingly, Applicant respectfully submits, as indicated by the Examiner in the Office Action, that this rejection has been obviated and/or rendered moot.

In accordance with the above amendments and remarks, Applicant respectfully submits that the claims of the instant application define over the prior art of record. Accordingly, reconsideration and withdrawal of the claim rejections are respectfully requested.

### **Conclusion**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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